

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA

RECEIVED

Rupert Ward Jr. )  
Full name and prison number )  
of plaintiff(s) )  
v. THE STATE of Alabama ) DEBRA L. HACKETT, CLERK  
 ) U.S. DISTRICT COURT  
 ) MIDDLE DISTRICT OF ALABAMA ACTION NO. 1:09CV749-TMH  
Henry County ) (To be supplied by Clerk of  
 ) U.S. District Court)  
officer Chase Little )  
officer Dennis Cobb )  
Honorable Judge Derry Holloway )  
Honorable Patrick Amerson D.A. )  
Name of person(s) who violated )  
your constitutional rights. )  
(List the names of all the )  
persons.) )

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? YES ( ) NO (X)

B. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES ( ) NO (X)

C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) \_\_\_\_\_ N/A \_\_\_\_\_

Defendant(s) \_\_\_\_\_ N/A \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_ N/A \_\_\_\_\_

3. Docket number N/A

4. Name of judge to whom case was assigned

NIA

5. Disposition (for example: Was the case dismissed?  
Was it appealed? Is it still pending?)

N/A

6. Approximate date of filing lawsuit NA

7. Approximate date of disposition N/A

II. PLACE OF PRESENT CONFINEMENT Kibby Correctional Facility Post

Office Box 150 Mount Meigs Alabama 36057

PLACE OF INSTITUTION WHERE INCIDENT OCCURRED

NIA

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

**NAME** \_\_\_\_\_ **ADDRESS** \_\_\_\_\_

1. Officer Chase Little - 99 Park Street Headland Alabama 36345

2. Officer Dennis Gibbs 99 Park Street Headland Alshams 36345

3. Honorable Circuit Judge - Denny Holloman 101 Court Square Court-  
House, Suite 11 Abbeville Alabama 36330

4. \_\_\_\_\_

5. Honorable Patrick Amyson- Assistant District Attorney 101 Court Square Courthouse Suite (1) Abbeville Alabama 36310

6. *What is the relationship between the two main characters?*

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED June 15 2005

v. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: On June 15, 2005 Officer Chase Little went before the Monroe Circuit Court Justice Deny Holloway to secure a search

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

warrant for the residence of Rupert Ward Jr., Officer Chare Little  
little, stated in the search warrant that he receive information  
from a confidential informant that drugs where to be found,  
and sold out of Rupert Ward Jr. residence, circuit court Judge  
Henry Holloway issued the search warrant for Headline Police.

GROUND TWO: During the trial the state fail to present  
Testimony from the informant and evidence of the drugs

SUPPORTING FACTS: A search warrant can only be issued  
on probable cause, supported by an Affidavit Stating  
or describing the property and the place to be searched.  
Before issuing a search warrants, a Judge, or magistrate  
Authorized by law to issue search warrants, must examine  
on oath the complainant and any witness he may produce.

GROUND THREE: A search warrant & Affidavit must set forth  
particular facts and circumstances underlying existence

SUPPORTING FACTS: Rupert Ward Jr. show that a False  
statement knowingly and intentionally, and with  
Reckless disregard for the truth in securing  
a search warrant, whether a Headline Police Officer  
Chare Little presented Pendley Testimony to  
secure a search warrant? Headline Police Officer

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU.  
MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

Rupert Ward Jr. sought the relief for the court to  
give a new trial or evidentiary hearing or  
dismiss the charges of this illegal sentences.

Rupert Ward, Jr.  
Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true  
and correct.

EXECUTED on 4<sup>th</sup> August 2009.  
(Date)

Rupert Ward, Jr.  
Signature of plaintiff(s)

1. State of Belief continue from page(3)

Officer chose Little to execute the search of Rupert Ward Jr. Residence, Headland Police officer chose Little along with several other Headland Police officers went to Rupert Ward Jr. Residence while executing the search of Rupert Ward Jr. Residence, the police officers that were with Headland Police officer chose Little remained outside in the front of the residence with Rupert Ward Jr. wife; while Headland Police officer chose Little began the search of Rupert Ward Jr. Residence. After the search of one of the bedrooms Headland Police chose Little came out of Rupert Ward Jr. Residence allegedly stating that he had found Drugs in the Bedroom.

Rupert Ward Jr. was arrested and charged with Trafficking cocaine and possession of marijuana, The Grand Jury of Headland returned an indictment charging Rupert Ward Jr. with the offense of Trafficking and possession.

continue From page(3)

Evidence that was found in the residence of Rupert Ward Jr.

Trial Counsel Charles Decker never objected to the state not producing testimony from the confidential informant nor did Trial counsel Charles Decker object to the state failing to produce any Drugs being found in Rupert Ward Jr. Residence as the trial continue Headland Police officer chose Little were called to take the witness stand; under oath, The court went to recess, But when the court resume, Trial counsel Charles Decker for Rupert Ward Jr. asked Headland Police officer chose Little where were the drugs that you Allegedly Found in Rupert Ward Jr. residence? and Headland Police officer chose Little stated to the question that Trial counsel Charles Decker asked that the drugs were in the Headland Police Department Evidence room.

supporting facts: page(2) continue:

Take their Depositions in writing and cause them to be Subscribed by the person or officer making them such depositions must set forth facts tending to establish the grounds of the application or probable cause for believing that they exist. During Trial Headland Police officer chase little were the only Headland Police officer who testified about drugs being found at Rufus Ward Jr. residence.

No other Headline Police officers gave testimony nor was an confidential informant present at the trial nor was there an statement on records.

Trial counsel Charles Decker asked Headland Police officer Chase little about his confidential informant, was he or she a reliable source with information.

Ground Three continue from page(3) of probable cause, so as to allow the magistrate to make an independent evaluation of the matter; if the confidential informant's tip is the source of information, an affidavit must recite some of underlying circumstances from which the confidential informant concluded that relevant evidence might be discovered, and some of underlying circumstance from which Head Line Police Officer Chase Little concluded that the confidential informant, whose identity need not be disclosed, was credible or his information reliable

supporting facts continue page(3)

Chase little went before the Honorable Circuit Court Judge Denny Holloway with information that he received from a confidential informant that drugs will be found at Rufus Ward Jr. residence. And officer Chase Little of the Headland Police Department didn't have the confidential informant with him or any recorded

Supporting Facts continue from page (3) number (3)

invalid search warrant and failed to present a defense  
Constitutional Principles,

The Sixth Amendment to The United States Constitution, which vests person charged with crimes with the right to "assistance of counsel." U.S. Const. Amend. VI The Right to assistance of counsel and applies to the states as a component of the right to "Due Process of law" secured by the Fourteenth amendment to the United States Constitution. In light of all the circumstances, the identified acts or omissions were outside the wide range of professionally competent assistance. Counsel did not or decided not to prepare a defense for Rupert Ward Jr. Soley because he was confident that, He did not need to question the confidential informant credibility or the drugs, that Headland Police Officer found him self.

Rupert Ward Jr. were convicted and sentence based upon Perjury Testimony By Headland Police Department Officer Chase Little, who gave false information to secure a search warrant to search Rupert Ward Jr. Residence. The District Attorney Patrick Amason of Henry County District Attorney Office, whom prosecute the cases of Trafficking cocaine and possession of Marijuana, did not present any evidence of any Drugs than found in Rupert Ward Jr.'s Residence nor did the District Attorney Patrick Amason present a signed statement nor a recorded conversation, nor the confidential informant was presence in court during trial process that represented the defendant his

Supporting Facts continue from page (3)

Conversation nor did Headland Police Department Officer Chase Little have a written statement. During the course of the Trial Headland Police officer chase little did not have nor showed any drugs in Trial court's, nor did there was an confidential informant present in court, But Headland Police officer chase little stated, He had received information from an confidential informant's and Headland Police officer chase little was the officer that found the alleged drugs that the alleged confidential informant stated, that Headland Police officer chase little would find in Rupertward's Jr. residence on the evening of June 15, 2005. A person commits the crime of Perjury in the First Degree when in any official proceeding he swears falsely and his false statement is material to the proceeding in which it is made, when this officer chase little is under oath giving false testimony is strong and determine the outcome of this proceeding or matter involved in securing a search warrant or an arrest warrant, to constitute Perjury, the matter falsely sworn must be material to the issue in controversy and the material matter sworn to must be false or it is not the subject of legal Perjury. there was not any evidence nor confidential informant before the Honorable circuit court Judge Denny Holloway to issue a search warrant Based on the Perjury Statement of Headland Police Department officer Chase Little. whether Trial counsel Charles Decker performance were ineffective assistance?

Rupertward Jr. retain counsel Charles Decker to represent him for the indicted charges of TRAFFICKING and posses sion in majority. himself didn't object to an

conclusion of supporting facts from page(3) Number(s)

Performance were below the required Standard who failed to challenge the failure of the District Attorney to produce an confidential informant, Testimony of the informant, the invalid search warrant and the Perjury Testimony of Headland Police Department Office Chase Little to secure a search warrant.

Certificate of Service

I, Rupert Ward Jr. Certify that the STATE OF the Brief - of Facts and Grounds, and Supporting facts are true and correct to the best of my knowledge.

Done this the 4<sup>th</sup> of August 2009.

Rupert Ward Jr.

RUPERT WARD JR.

Inmate and Plaintiff

A.I.S # 251750

Kilby Correctional Facility

Post Office Box 150

MOUNT MEIGS, ALABAMA

36057

RUPERT WARD, JR.  
AIS # 251750  
P.O. Box 150  
Kilby's Correctional Facility  
Mount Meigs, AL 36057



UNITED STATES DISTRICT CLERK'S OFFICE  
DeBra P. Hackett, Clerk  
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